

N.D.A.G. Letter to Rohrich (Dec. 9, 1992)

December 9, 1992

Mr. F.C. Rohrich
Emmons County State's Attorney
P.O. Box 657
Linton, ND 58552

Dear Mr. Rohrich:

Thank you for your September 17, 1992, letter concerning the compensation provided to your secretary by the county of Emmons. Specifically, you ask whether your secretary, who is classified as a part-time employee but works over 30 hours per week for the county, is entitled to receive full benefits for hospitalization and retirement which are offered to full-time employees.

The board of county commissioners has the authority under N.D.C.C. § 11-11-14(16) "[t]o expend county funds to finance in part or entirely for county employees a group insurance program for hospital benefits, medical benefits or life insurance, and a group retirement program through either the state retirement program or a private company." N.D.C.C. § 54-52-02.1 authorizes a county to join the Public Employees Retirement System. In similar fashion, N.D.C.C. § 54-52.1-03.1 authorizes counties to join the Uniform Group Insurance Program. I understand that the Emmons County board of commissioners has not elected to participate in either plan.

The county commission has discretion whether to provide insurance or retirement benefits to county employees and to determine which classes of employees will be covered, if it decides to provide such benefits. Membership in the county's group insurance program or group retirement program would be set per the agreement between the county and the private company. Whether your secretary is covered under the current contracts could only be determined by examining the contracts.

I hope this information is helpful.

Sincerely,

Nicholas J. Spaeth

dc/krb